

## **MINUTES OF THE MEETING OF THE BAR-BENCH-MEDIA CONFERENCE**

A meeting of the Bar-Bench-Media Conference (hereinafter “Conference”) was held on Monday, March 12, 2007, at 12:45 p.m. in the 12th floor conference room in the New Castle County Courthouse. The quorum requirement was met, and the Conference members in attendance included:

### Members of the Electronic News Media:

Peg Brickley, Dow Jones Newswires  
Chris Carl, WDEL  
Micheline Boudreau, WHYY TV 12

### Members of the Print News Media:

Randall Chase, The Associated Press  
John Sweeney, The News Journal  
Greg Burton, The News Journal  
Elizabeth Bennett, Delaware Law Weekly  
Phil Milford, Bloomberg Business News  
Rita Farrell, formerly of Reuters

### Members from the Bench:

Chief Judge Chandlee Johnson Kuhn, Family Court  
Justice Jack Jacobs, Supreme Court  
Judge Joseph Flickinger, Court of Common Pleas  
Judge Peggy Ableman, Superior Court  
Chief Magistrate Alan Davis, Justice of the Peace

Steve Taylor of the Supreme Court, Jackie Aff, Esq. of the Court of Common Pleas, and Dana Leigh Reynolds, Esq. of the Family Court were also in attendance. John Dearing, of WBOC-TV, participated in the meeting via teleconference.

The first agenda item was the approval of the draft minutes from the January 8, 2007 Conference meeting. Rita Farrell moved to correct the minutes with regards to “cameras in the courtroom.” Rita stated, “I believe that the last item in the minutes, about cameras in the courtroom, was not about a News Journal proposal. If I recall correctly, we talked about the status of a request made by the Conference last year to the Chief Justice... asking that camera

coverage be expanded to include certain criminal procedures. To date there had been no response, and Justice Jacobs offered to check on the status of that request with the Chief Justice.” Upon motion, which was duly seconded, the minutes, including the correction, were unanimously approved as submitted. Accordingly, the correction shall be incorporated into the January 8, 2007 minutes.

The second agenda item concerned Conference membership. Chief Magistrate Alan Davis, of the Justice of the Peace Court, was welcomed as a new member from the Bench. Chief Magistrate Davis’s term began March 12, 2007. Next, replacing Conference members from the Bench was discussed. Don Brown, Esq., Kathleen Jennings, Esq, and Eugene Bayard, Esq., have resigned from their positions as Conference members, and Chief Judge Kuhn offered to contact Geoffrey Gamble, Esq., President of the Delaware State Bar Association to solicit names for possible appointment to the Conference.

The next agenda item related to Judge Peggy Ableman’s update on the public access terminal in the Superior Court. Judge Ableman reported that the terminal is awaiting computer equipment and that someone from the media will need to provide the hardware. Sharon Agnew is the contact person in Superior Court for New Castle County, and she can provide specs regarding said hardware. Rita suggested that the Delaware News Journal might make a contribution.

Steve Taylor distributed the Report of the Conference on Expanded Electronic Media Coverage of Courtroom Proceedings (i.e. the Disney Report). The Disney Report is still in draft form and can be modified or corrected. The Disney Report made the following recommendation:

“The Conference feels that the electronic news media has demonstrated its technical ability to cover courtroom proceedings in an unobtrusive and professional manner. The electronic news media has complied with all the requirements requested by the judicial

officers who presided over trials covered during the continuing experimental period. By all accounts, the coverage has been a success. The Conference renews its request as encompassed in Rita Farrell's letter to Chief Justice Steele that the Court give favorable consideration to the Conference's request to further expand the electronic news media coverage of trial court proceedings."

As previously discussed, the Conference is awaiting a response from Chief Justice Steele to Rita Farrell's letter, dated May 2006. Justice Jacobs was asked to address Rita's letter during an administrative meeting in the Delaware Supreme Court. In pertinent part, Rita's letter stated:

"Over the past decade, the Conference has been pursuing permission for the electronic news media to cover trial court proceedings. The Conference feels that it has done all it can to show that expanded electronic news media coverage is unobtrusive and handled in a professional manner that respects the dignity of the courts and the rights of the parties. The Conference would appreciate it if the Court could offer guidance to the Conference as to how to proceed in the future on the issue of expanded electronic news media coverage. At this time, Conference members are reluctant to expand further time and energy on the issue if the Court's policy is not to expand media coverage any further."

With regards to modifying the current draft Disney Report, Rita suggested that Greg Burton write about his experience in the courtroom as compared to Courtroom Connect, and such writing should be added to the Disney Report on page 5. Greg reported that, from his experience, the courtroom was wired with cameras and he was able to easily tap into those cameras. Greg also explained that the lack of seating in the courtroom presented a challenge, but the media, overall, was pleased. Greg also stated that the courtrooms in the New Castle County Courthouse could lend themselves to photographic recordings – in particular, placement beside the bench and

the witness stand would be preferable. Gregg suggested that it might be useful to make such attempt in a non-jury, criminal motion hearing.

Next, new business was discussed. It was reported that the Delaware Supreme Court issued Administrative Directive 162 which adopted a formal public access policy for all courts. Under this directive, all courts must enact policies for open administrative records. The directive is on the Supreme Court website.

The Conference revisited the issue of whether to have special annual/semi-annual meetings whereby members of the public have the opportunity to address their concerns and comments to members of the Conference. At the prior meeting on January 8, 2007, a motion was duly seconded and approved to have such meetings. After much discussion, however, it was decided not to have these special meetings for members of the public.

Also, Chief Judge Kuhn requested that Conference members from the print and electronic media identify their start dates and end dates with regards to their Conference membership terms. The Chief Judge requested this information be reported to her via email. Chief Judge Kuhn will also identify the end date of her own term as the Chair of the Conference and, accordingly, schedule an election date for the subsequent Chair.

The Conference unanimously decided that future meetings will be scheduled as follows: lunch to commence at 12:30 p.m. and meeting to begin promptly at 12:45 p.m. Franny Haney will be invited to the next Conference meeting to discuss a workshop for reporters covering the courthouse. After discussion regarding the high costs for utilizing LexisNexis, it was suggested that part of Franny Haney's workshop might focus on said costs.

A motion to adjourn the meeting was duly seconded and unanimously approved. The meeting ended at approximately 1:30 p.m.